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Technology Center 2100

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/780,229

Filing Date: February 09, 2001

Appellant(s): SAGAR, RICHARD BRYAN

Sagar
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/10/04 appealing from the Office action mailed
4/5/04.

Although this appeal brief is written in compliance with the format set before September 2004, the examiner's answer is written in compliance with the new format.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,204,846	Little	3-2001
6,225,996	Gibb	3-2001
6,252,594	Xia	6-2001

5,977,975 Mugura 11-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 8-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Little et al. (US 6,204,846).

As per claim 1, Little et al. teaches a data processing apparatus having a user interface assisting in searching for information from an ordered list in a data array (col. 3, line 5-25), the apparatus comprising:

an array scroller responsive to user actuation (col. 3, lines 25-35, figure 14, item 254);

and

a helper character-generator, actuated by continued user actuation of the array scroller, the helper character generator being operative to display a helper character representative of a searching portion(Fig. 13, item 158) in the list and of at least some of the information

corresponding to the searching position (Fig 7, item 156, col. 9 lines 30-56; Examiner infers to the “Showing 38-63 of 100” to be representative of a portion in the list being scrolled).

As per claim 2, Little et al. teaches the data processing apparatus of claim 1 wherein, the helper character shows additional helper characters by deactivating the array scroller, then reactivating the array scroller (col. 9, lines 18-29; Examiner infers to the fact that different status popup windows are shown during user interaction with the scroll bar to be showing additional helper characters).

As per claim 3, Little et al. teaches the computing apparatus of claim 1 wherein, the helper character display corresponds to a location on a GUI display (Fig 7, item 156, col. 9 lines 30-56).

As per claim 8, it is rejected under the same rationale as claim 1. (see rejection above)

As per claim 9, Little et al. teaches the method of claim 8, wherein the data processing environment comprises a distributed environment (col. 5, lines 9-24; Examiner infers to a network environment to be a distributed environment).

As per claim 10, Little et al. teaches software for being installed on an information processing apparatus, wherein the software renders the apparatus operative to display a helper character representative of a searching position of an ordered list and of at least some of the information corresponding to the searching position currently being scrolled in response to a user interacting with the apparatus client (Fig 7, item 156, col. 9 lines 30-56).

As per claim 11, Little et al. teaches a service supplied in a client-server configuration, wherein:

the server provides user-access to an ordered list of information items (col. 5, lines 9-31); and

the client is enabled to interact with the server, the server controlling the client to display a helper character representative of a searching portion of the list and of at least some of the information corresponding to the searching position currently being searched at the client (Fig 7, item 156, col. 9 lines 30-56; Examiner infers to the “Showing 38-63 of 100” to be representative of a portion in the list being scrolled).

As per claim 12, Little et al. teaches the network service of claim 11, wherein the client comprises at least one of the following: a handheld device, a desktop computer, a laptop computer, a wireless telephone handset, a portable media playing device, cell phone (col. 5, lines 1-23).

As per claim 13, it is rejected with same rationale as claim 1. (see rejection above)

As per claim 14, Little teaches the information storage medium of claim 13 wherein the ordered list comprises at least one of the following: a sequence of alpha-numeric characters, a sequence of pictographs, a sequence of images, a sequence of sounds (Fig 7, item 156, col. 9 lines 30-56).

As per claim 16, it is rejected with same rationale as claim 1. (see rejection above)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Little et al. (US 6,204,846) in view of Mugura et al. (US 5,977,975).

As per claim 4, Little et al. teaches the apparatus of claim 1. However he fails to teach comprising at least one of the following. a handheld device, a mobile telephone, an Internet-enable device with a browser. Mugura et al. teaches an apparatus comprising at least one of the following; a handheld device, a mobile telephone, an Internet-enable device with a browser. It would have been obvious to an artisan at the time of the invention to include Mugura et al.'s teaching with Little et al.'s apparatus in order to allow user to manipulate GUI display on a hand held device.

As per claim 5, Little and Mugura teaches the apparatus of claim 4 wherein the item is selected from at least one of the following: alpha-numerical characters, pictographs, letters in a name, prefixes in telephone numbers (Fig 7, item 156, col. 9, lines 18-29).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Little et al. (US 6,204,846) in view of Gibb et al. (US 6,225,996).

As per claim 6, Little et al. teaches the apparatus of claim 1. However he fails to teach wherein the list is multi-dimensional. Gibb et al. teaches an apparatus wherein the list is multi-dimensional (fig 6, items: the horizontal scroll bar, and the vertical scroll bar). It would have been obvious to an artisan at the time of the invention to include Gibb et al.'s teaching with Little et al.'s apparatus in order to display records that are saved in spreadsheet format.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Little et al. (US 6,204,846) in view of Xia et al. (US 6,252,594).

As per claim 7, Little et al. teaches the apparatus of claim 1. However he fails to teach wherein the helper character-generator renders a helper character comprising at least one of the following: audio feedback, video feedback, tactile feedback. Xia et al. teaches a apparatus wherein the helper character-generator renders a helper character comprising at least one of the following: audio feedback, video feedback, tactile feedback (abstract). It would have been obvious to an artisan at the time of the invention to include Xia et al.'s teaching with Little et al.'s apparatus in order to further remind the user the page number of the current page.

As per claim 15, which is dependent on claim 14, it is of the same scope as claim 7. (see rejection above)

(10) Response to Argument

Appellant's argument focused on the following:

Issue I: Section 102(e) rejection of claim group I:

A) Examiner fails to address the limitation of a helper character represents a searching position in the list and at least some information corresponding to the search position of the list.

A) Examiner disagrees. Little teaches both the representation of the searching position and information corresponding to the search position of the list. (see Little figure 6, items 132 and 142 and figure 13, items 158) Little uses scroll bars to represent the position of what the user is viewing in relationship to the entire list. (see Little figure, items, 132 and 142) There are two scrolls bars in Little's system. The first scroll bar creates a sub-list within the primary list. (see figure 6, item 142; column 12, lines 63-column 13, lines 5) The second scroll bar allows

user to navigate within the sub-list. (see figure 6, item 132; column 13, lines 20-36) Each scroll bar is a representation of the search position because users can look at the position of the scroll bar to find out where they are within the list. (see Little figure, items, 132 and 142) If the scroll bar is at the top of the list, the users are looking at the beginning of the list; and if the scroll bar is at the bottom of the list, the users are looking at the end of the list.

Little also provides information corresponding to the search position of list. (see Little, figure 7, item 156) Within the pop up window, Little displays exactly where the sub-list is located within the primary list. (see Little column 9, lines 30-40)

Appellant seems to suggest that displaying information corresponding to the search position means displaying “content of that portion of the list,” (see Appellant’s brief, page 5) but this limitation is not recited within the claim language. Although claims should be interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Even if this limitation can be read into the claim language, Little teaches displaying the content of the selected portion because it displays the user selected portion in the primary window. (see Little, figure 6, item 124, column 8, lines 35-51)

Issue 2: Rejection regarding dependent claim 5.

The typographical has been corrected in the new rejection.

Issue 3 and 4 are similar in scope of Issue 1. Supra.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

This examiner's answer contains a new ground of rejection set forth in section (9) above.

Accordingly, appellant must within **TWO MONTHS** from the date of this answer exercise one of the following two options to avoid *sua sponte* **dismissal of the appeal** as to the claims subject to the new ground of rejection:

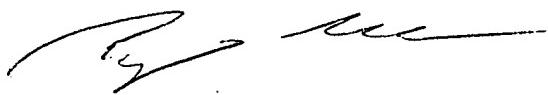
(1) **Reopen prosecution.** Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR 41.39(b)(1) will be entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

(2) **Maintain appeal.** Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

Respectfully submitted,

Peng Ke



A Technology Center Director or designee must personally approve the new ground(s) of rejection set forth in section (9) above by signing below:

Conferees:

Kristine Kincaid

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